

Utah Election Administration

Who Administers Utah Elections?

**Government Operations and Political Subdivisions Interim Committee
August 18, 2010**



Prepared by the Office of Legislative Research and General Counsel – August 2010

Original Study Item Question:

Should Counties Administer all Elections?

“Counties Only” Option

Background...

Who may Administer an Election?

- Election Officer

County Clerk

Municipal Clerk

Local District
Clerk

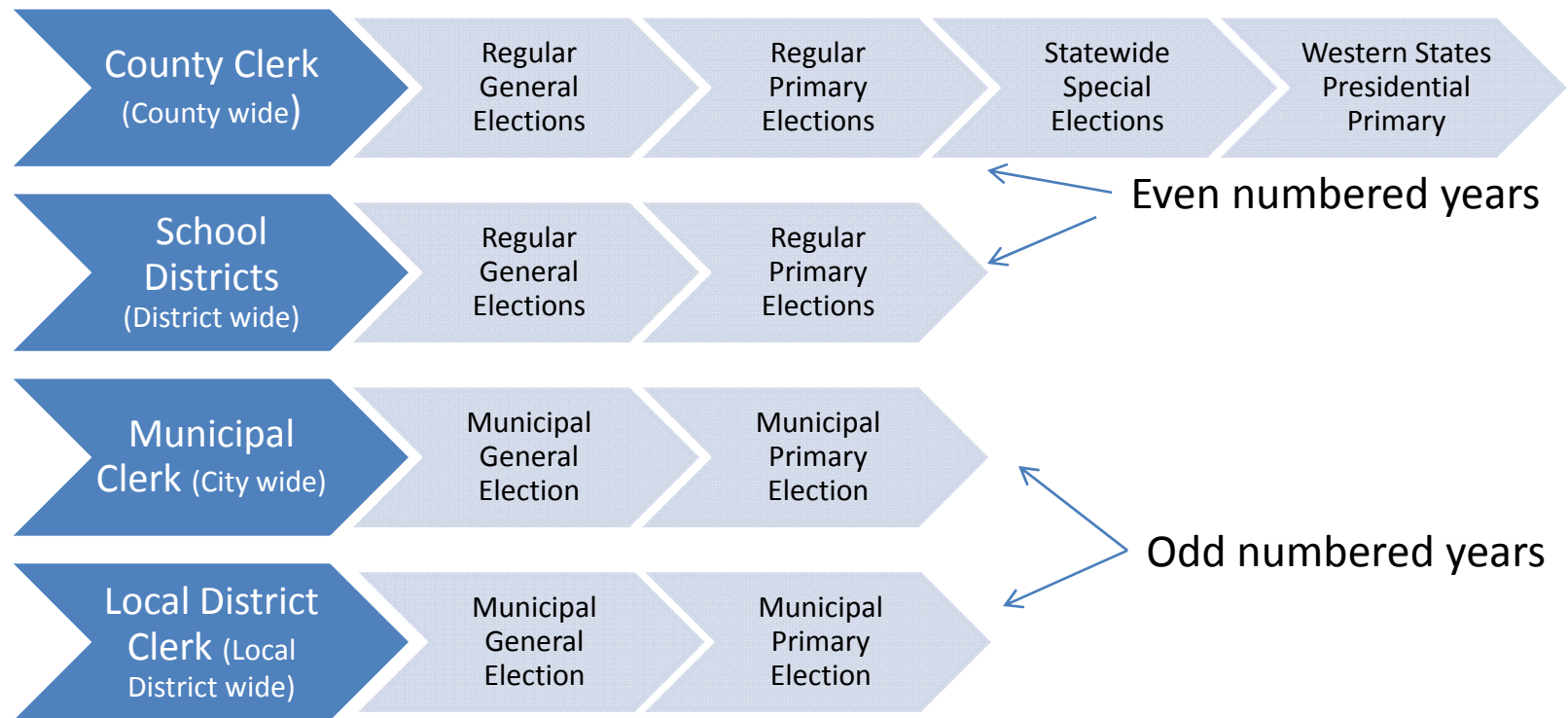
School District
Superintendent

The Lieutenant Governor is Utah's Chief Election Officer who oversees all of Utah's voter registration activities and ensures compliance with state and federal election laws, but does not directly administer elections to voters.



Source: Utah Code Sections 20A-1-102, 20A-5-400.5, and 20A-2-300.6

Who is Responsible for Each Election?



Each may be responsible for certain local special elections within their jurisdiction.

Utah Law directs that for a voted leeway or bond election the county or municipal clerk shall serve as the election officer, unless no other election is being held.

Cost Provisions for a Voted Leeway or Bond Election

- The county or municipal clerk shall:
 - establish fees for conducting the election; and
 - bill the local political subdivision for the cost.
- The fees assessed may not exceed the actual costs incurred.
- Actual costs include:
 - costs associated with the use of election equipment and supplies; and
 - reasonable and necessary administrative costs.
- The election officer administering the election may use professional services to assist.

Election Administration

Potential Success Criteria

Election Integrity

- Secure
- Accurate
- Fair
- Compliant with State and Federal Election Law

Voter Satisfaction

- Confidence in election integrity
- No Voter Confusion
- Competent and Courteous Poll Workers
- Reasonable Waiting

Cost Efficient

Should Counties Administer all Elections?

“Counties Only” Option

Pros

- Counties already administer the majority of elections
- Counties generally possess a high level of election expertise
- Counties provide election data and other assistance to municipalities, local districts, and school districts for their elections
- A single election entity within a county can provide greater consistency for voters, polling locations, equipment, and poll workers
- Fewer entities to train and oversee for election law compliance may be more cost efficient
- Some counties (including Salt Lake, Box Elder, and Tooele) are already administering most elections for municipalities by contract
- Counties already administer most school district elections by contract

Cons

- Budget and staffing shifts to implement a “counties only” option may be complex and result in winner and loser entities
- Many municipalities possess a high level of election expertise
- Many small entities can administer simple elections (often using paper ballots) at very low cost
- A municipality should be allowed to choose the most cost efficient option for their needs
- Current cooperation levels between election officers provide adequate efficiencies and effectiveness
- One size does not fit all because advantages to a “counties only” option are not the same between counties or between municipalities, local districts, and school districts

Options for Utah Election Administration

1. Status Quo – Update Utah Code to reflect current practices
2. Counties Only – Specify that counties will administer all elections
3. Other options?

More Background Slides...

Who Are Election Officers

Types of General Elections

Election Types and Dates

Data Provided by County Clerks to Administer
an Election

Who are Utah Election Officers?

- **The Lieutenant Governor**, who is Utah's Chief Election Officer with broad responsibility for all statewide ballots, oversees all of Utah's voter registration activities and ensures compliance with state and federal election laws, but does not directly administer elections to voters;
- **The County Clerk**, who administers all "regular" elections (both primary and general elections) and all elections for unincorporated areas of the county except elections being conducted by a local district;
- **The Municipal Clerk**, who administers all "municipal" elections (both primary and general elections) and special elections held in odd numbered years;
- **Local District Clerk or Chief Executive Officer**, who administers all "local district" elections and special elections held in odd numbered years when no other election is being held; or
- **Business Administrator or Superintendent of a school district**, who administers all "school district" elections and special elections held in even numbered years when no other election is being held.

Source: Utah Code Sections 20A-1-102, 20A-5-400.5, and 20A-2-300.6

Types of General Elections

Regular General Election

- Federal offices
- State offices
- State School board
- Judicial Retention
- County offices
- Local School board
- Related ballot questions

Municipal General Election

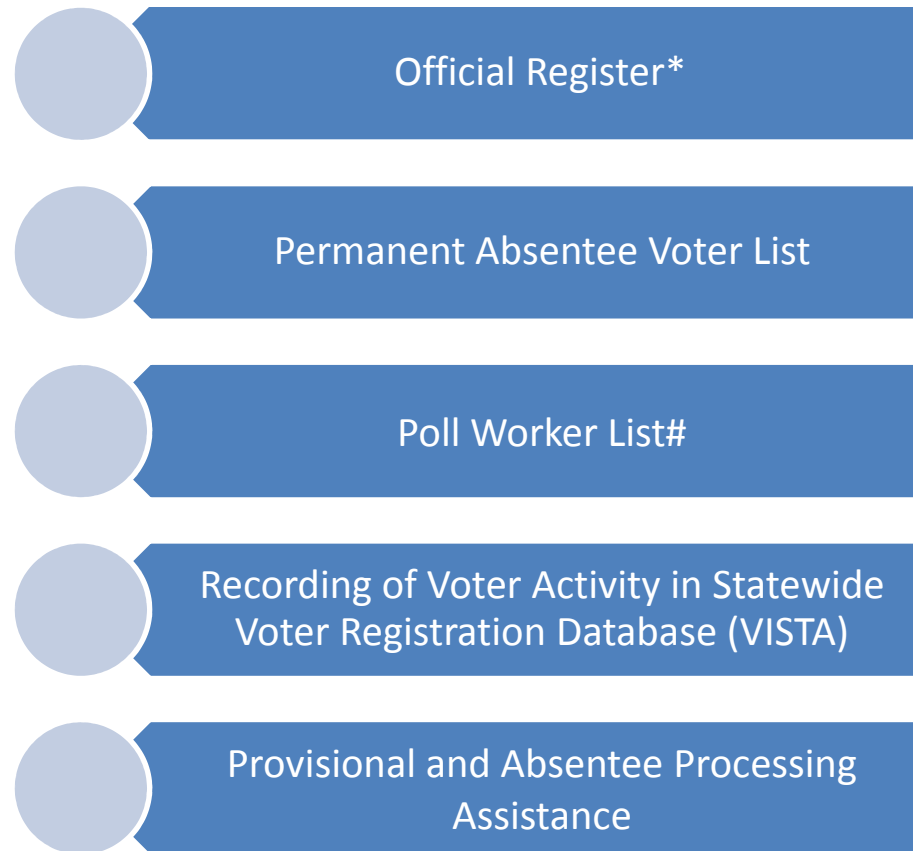
- Municipal offices
- Local district offices
- Related ballot questions

Election Types and Dates

November	Regular General Election	<ul style="list-style-type: none"> • Even Years (first Tuesday after the first Monday in November) • County Clerk Administered • Federal, Statewide, Legislature, County, and School District Races
November	Municipal General Election	<ul style="list-style-type: none"> • Odd Years (first Tuesday after the first Monday in November) • Municipal Clerk and Local District Clerk Administered • Municipal and Local District Races
November or June	Special Election	<ul style="list-style-type: none"> • Any Year (first Tuesday after the first Monday in November or the fourth Tuesday in June) • Most often County Clerk Administered • Statewide is called by the Governor or Legislature and Local is called by the local legislative body
June	Regular Primary Election	<ul style="list-style-type: none"> • Even Years (fourth Tuesday in June) • County Clerk Administered • Federal, Statewide, Legislature, County, and School District Races
September	Municipal Primary Election	<ul style="list-style-type: none"> • Odd Years (Second Tuesday following the first Monday in September) • Municipal Clerk and Local District Clerk Administered • Municipal and Local District Races
February	Western States Presidential Primary	<ul style="list-style-type: none"> • U.S President Even Years (first Tuesday in February) • County Clerk Administered • U.S. Presidential Party Nomination Races

Source: Utah Code Sections 20A-1-102, 20A-1-201.5, 20A-1-203, 20A-1-204

Data Provided by County Clerks to Administer an Election



*The “Official Register” is the alphabetical list of registered voters used at the polls. Municipalities shall pay the costs of making the official register for municipal elections.

#The Poll Worker List is not required by statute to be provided by County Clerk.

Source: Utah Code Sections 11-14-205, 20A-2-109, 20A-3-304, 20A-3-409, 20A-5-205, 20A-5-401, 20A-5-601, 20A-5-602, and 20A-6-105.5